

**Before the  
Federal Communications Commission  
Washington, D.C. 20554**

In the Matter of )  
 )  
PAPPAMMAL WELLINGTON KURIAN )  
 )  
Petition for Reconsideration of Denial of Informal )  
Request for Renewal of Special Temporary )  
Authority for Stations WQEH403, WQEI307, )  
WQEI308, WQEI758, and WQEI759 )

**ORDER ON RECONSIDERATION**

**Adopted: August 11, 2010**

**Released: August 12, 2010**

By the Deputy Chief, Mobility Division, Wireless Telecommunications Bureau:

1. *Introduction.* On January 11, 2010, Pappammal Wellington Kurian (Ms. Kurian) submitted a petition for reconsideration (Petition)<sup>1</sup> of the December 8, 2009 decision by the Wireless Telecommunications Bureau's Mobility Division (Division) denying Ms. Kurian's request for renewal of Special Temporary Authority (STA) for the above-captioned stations.<sup>2</sup> We dismiss the Petition for the reasons set forth below.

2. *Background.* In 2005, Thomas Kurian (Mr. Kurian) requested cancellation of some of his licenses, on the grounds that the stations had not been constructed or had permanently discontinued station operations.<sup>3</sup> Ms. Kurian was granted STAs for Stations WQEH403, WQEI307, WQEI308, WQEI758, and WQEI759, which authorized operations at the same locations and on the same frequencies as some of the licenses that Mr. Kurian had sought to cancel, pending the resolution of her objection to the cancellation requests.<sup>4</sup> In February 2007, the Division denied Ms. Kurian's objection to the cancellation requests,<sup>5</sup> and denied Ms. Kurian's petition for reconsideration of that decision in October 2007.<sup>6</sup> The Division granted applications to renew the STAs while Ms. Kurian's petition for further

<sup>1</sup> Objection of Ms. Pappammal Kurian to the December 8, 2009 FCC Ruling Related to the Request for Renewal of Special Temporary [sic] Authority for Stations WQEH403, WQEI307, WQEI308, WQEI758, and WQEI759 (filed Jan. 11, 2010) (Petition).

<sup>2</sup> Pappammal Wellington Kurian, *Letter*, 24 FCC Rcd 14411 (WTB MD 2009) (*Division Letter*).

<sup>3</sup> See 47 C.F.R. § 1.955(a)(2), (3) (authorizations automatically terminate, without specific Commission action, if the licensee fails to meet applicable construction requirements or permanently discontinues station operations).

<sup>4</sup> Ms. Kurian argued that the cancellation requests conflicted with the Marital Property Settlement Agreement (Settlement Agreement) approved by the District Court of Clark County, Nevada, Family Division. See Settlement Agreement at 1-2, attached to Kurian v. Kurian, Case No. D30700, *Decree of Divorce* (Dist. Ct. Family Div., Clark County, Nev. July 1, 2005); see also Kurian v. Kurian, Case No. D30700, *Order of the Court* at 2 (Dist. Ct. Family Div., Clark County, Nev. July 12, 2005).

<sup>5</sup> See Letter dated Feb. 12, 2007, from Scot Stone, Deputy Chief, Mobility Division, Wireless Telecommunications Bureau, to George L. Lyon, Jr., counsel for Pappammal Wellington Kurian, at 3. The Division concluded, *inter alia*, that whether the cancellation requests conflicted with the Settlement Agreement was irrelevant to whether the licenses had canceled for non-construction or permanent discontinuance of operations.

<sup>6</sup> See Pappammal Wellington Kurian, *Order on Reconsideration*, 22 FCC Rcd 18660, 18661-62 ¶ 4 (WTB MD 2007). The Division noted that Ms. Kurian cited no Commission precedent for declining to credit the unrefuted representation of the licensee of record because of outside litigation between the parties. See *id.* at 18662 ¶ 4.

reconsideration was pending. In April 2009, the Division dismissed the petition for further reconsideration,<sup>7</sup> and indicated that it would not grant any subsequent renewal applications for the STAs.<sup>8</sup> In June 2009, Ms. Kurian submitted a letter request for renewal of the STAs, which the Division denied on December 8, 2009.<sup>9</sup>

3. *Discussion.* Section 405(a) of the Communications Act of 1934, as amended, as implemented by Section 1.106(f) of the Commission's Rules, requires that a petition for reconsideration be filed within thirty days from the release date of the Commission's action.<sup>10</sup> Because the Division denied the letter request on December 8, 2009, the last day for filing a petition for reconsideration was January 7, 2010. Ms. Kurian's Petition was filed on January 11, 2010. Therefore, we find that the Petition was filed late. The Commission has consistently held that it is without authority to extend or waive the statutory thirty-day period for filing petitions for reconsideration specified in Section 405(a) of the Communications Act.<sup>11</sup> The filing requirement of Section 405(a) of the Act applies even if the petition for reconsideration is filed only one day late.<sup>12</sup> Consequently, we conclude that the Petition must be dismissed as untimely filed.<sup>13</sup>

4. Accordingly, IT IS ORDERED that, pursuant to Sections 4(i) and 405 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i), 405, and Section 1.106 of the Commission's Rules, 47 C.F.R. § 1.106, the petition for reconsideration submitted by Pappammal Wellington Kurian on January 11, 2010, IS DISMISSED.

5. This action is taken under delegated authority pursuant to Sections 0.131 and 0.331 of the Commission's Rules, 47 C.F.R. §§ 0.131, 0.331.

FEDERAL COMMUNICATION COMMISSION

Scot Stone  
Deputy Chief, Mobility Division  
Wireless Telecommunications Bureau

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<sup>7</sup> See Pappammal Wellington Kurian, *Order on Further Reconsideration and Order on Reconsideration*, 24 FCC Rcd 4827, 4830-31 ¶¶ 8-10 (WTB MD 2009). The Division dismissed the petition as repetitious, and for other procedural deficiencies. Ms. Kurian did not seek reconsideration or review of this decision.

<sup>8</sup> See *id.* at 4832 n.45.

<sup>9</sup> See *Division Letter*, 24 FCC Rcd at 14412. The Division stated, *inter alia*, that renewal of the STAs was no longer appropriate in light of the resolution of the underlying matters, and reiterated the conclusion that the Settlement Agreement does not require continued authorization of stations for which the licenses automatically canceled.

<sup>10</sup> 47 U.S.C. § 405(a); 47 C.F.R. § 1.106(f).

<sup>11</sup> See *Reuters Ltd. v. FCC*, 781 F.2d 946, 951-52 (D.C. Cir. 1986); see also *Petition for Amendment of the Commission's Rules to Establish First and Second Class Radiotelephone Operator Licenses*, *Order*, 10 FCC Rcd 3196, 3196 ¶ 2 (WTB 1995).

<sup>12</sup> See, e.g., *Panola Broadcasting Co., Memorandum Opinion and Order*, 68 FCC 2d 533 (1978); *Metromedia, Inc., Memorandum Opinion and Order*, 56 FCC 2d 909, 909-10 (1975).

<sup>13</sup> Moreover, if we were to consider the merits of the Petition, we would deny the Petition. Ms. Kurian repeats her argument that the cancellation of Mr. Kurian's licenses conflicts with the Settlement Agreement. See *Petition* at 1. In light of our previous conclusion that the Settlement Agreement does not require continued authorization of stations for which the licenses automatically canceled, we again find Ms. Kurian's argument irrelevant to the issue of whether the subject licenses canceled for non-construction or permanent discontinuance of operation.